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In re Application of :
S. Denmeade, et al :
Serial No.: 09/627,600 : Decision on Petition
Filed: July 28, 2000 :
Attorney Docket No.: 57109 (71699) :

This is in response to applicants' "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181" filed on September 4, 2003.

On July 3, 2002, a Notice to Comply with Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure was mailed to applicant. On June 13, 2003, a Notice of Abandonment for failure to timely respond to the Office action mailed on July 3, 2003. This appears to be a typographical error, and should be July 3, 2002. On September 4, 2003, the present petition was filed.

Applicant's statement and evidence and the application history have been carefully considered and reviewed. There was an entry of "CRF does not match application specification" entered on July 30, 2002. The entry indicates that there was a CRF filed. A second sequence letter should have been mailed requesting a correct CRF. There was an entry of "CRF is good and entered" on June 5, 2003. Apparently, a miscommunication occurred between the Office and applicants. Applicant's evidence shows that a response has been timely filed in response to the Notice mailed on July 3, 2002. Accordingly, the petition is granted.

Petition GRANTED.

Should there be any questions with respect to this decision, please contact Cecilia sang, by mail addressed to: Director, Technology Center 1600, Alexandria, VA 22313-1450, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.


Bruce Kisliuk
Director, Technology Center 1600